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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,262	09/14/1999	ARLIN R. JONES	10990268-1	5734

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EXAMINER

LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/395,262	JONES, ARLIN R.	
	Examiner	Art Unit	
	Cheukfan Lee	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003 and 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 18 is/are rejected.
- 7) ☒ Claim(s) 14-17 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Chaukfan Lee

1. Claims 13-22 are pending. Claims 13 and 18 are independent.

This Office Action is responsive to a decision to withdraw from issue dated June 23, 2004, and to an amendment filed June 12, 2003.

2. Claim 16 is objected to because of the following:

In claim 16, line 18, in the language "a sum of ...", part of the limitation is missing. According to claim 21, it looks like what is missing between "sensor" and ";" is -- and the deceleration distance of the object --, so the language reads -- a sum of a deceleration distance of the optical sensor and the deceleration distance of the object; --

Correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumashiro (U.S. Patent No. 5,864,408).

Regarding claims 13 and 18, Kumashiro discloses a system having a scanning device comprising a moving mechanism (rollers 12, 15 and 16, and ADF motor 32) to

selectively move an object (original document) at an inherent substantially constant speed during scanning in the sheet through scanning mode (stationary reading mode in which the contact image sensor 21 is stationary) under control of the CPU (35), a scanning mechanism (moving device drive motor 33, contact image sensor 21, and sensor carriage) including an optical sensor (contact image sensor 21), with the scanning mechanism to selectively move the optical sensor (21) at a second inherent substantially constant speed during scanning in the moving reading mode in which the contact image sensor (21) is moved under control of the CPU (35) and with the optical sensor (21) configured for measuring reflected light from the original document, and the controller (CPU 35) coupled to the moving mechanism (rollers 12, 15 and 16, and ADF motor 32) and the scanning mechanism (drive motor 33, contact image sensor 21 and sensor carriage) with the controller (CPU 35) configured to actuate the moving mechanism (rollers 12, 15 and 16, and ADF motor 32) to selectively move the original document and with the controller (CPU 35) configured to actuate the scanning mechanism (drive motor 33, contact image sensor 21 and sensor carriage) to selectively move the optical sensor (21) (Figs. 1 and 2, col. 5, line 42 – col. 6, line 26, col. 6, line 27 – col. 7, line 45).

The system of Kumashiro reduces artifacts from scanning an original document by using correct reference data for shading correction (col. 7, line 65 – col. 8, line 13). The scanning device in the system generates a digital representation of an image on an original document (col. 6, lines 27-36).

5. Claims 14, 15, 17, and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 16 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance:

Claims 14-17 and 19-22 would be allowable because the controller (CPU 35) of Kumashiro (U.S. Patent No. 5,864,408) does not perform the functions claimed in each of claims 14-17 and 19-22. The CPU (35) does not control to move the contact image sensor (21) or the original document a certain distance corresponding to an acceleration distance, a deceleration distance, or a sum of the both as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
March 29, 2006

A handwritten signature in black ink, appearing to read 'Cheukfan Lee', is located in the bottom right corner of the page. The signature is stylized and cursive.